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| 5 | LINITED STATES | DISTRICT COURT | |
| 6 | DISTRICT OF NEVADA -oOo- | | |
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| 8 | UNITED STATES OF AMERICA, | 2:14-cr-0033-KJD-CWH | |
| 9 | Plaintiff, | EMERGENCY MOTION TO STAY | |
| 10 | vs. | MAGISTRATE JUDGE'S ORDER DIRECTING THE CLARK COUNTY | |
| 11 | ALBERT BENJAMIN CHEE, | DEPARTMENT OF FAMILY SERVICES TO TURN OVER IDENTIFIED FAMILY | |
| 12 | Defendant. | SERVICES FILE AND THE ORDER THAT THE UNITED STATES PROVIDE DEFENSE | |
| 13 | Defendant. | COUNSEL WITH AN UNREDACTED COPY | |
| | | <u>OF DKT#82-1 (</u> Dkt.#92) | |
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| 15 | The United States of America, by Daniel | G. Bogden, United States Attorney, and Lisa C. | |
| 16 | . • | • | |
| 17 | Cartier Giroux Assistant United States Attorney, | | |
| 18 | captioned case, respectfully requests, pursuant to | Federal Rules of Criminal Procedure 1(c) and | |
| 19 | 59(a), that the Court enter an Order staying the N | Magistrate Judge's March 24, 2016 order that the | |
| 20 | Clark County Department of Family Services tur | n over the entire child protective services file of the | |
| 21 | minors SB and MB from December 2011 to pres | ent, with the exception of DFS 319, a document | |
| 22 | purportedly included in error, and DFS 0321-032 | 28, the divorce records of the mother of the children | |
| | (Dkt.#92, 2 at 9-15). The United States requests | a stay of the order so that the United States can file | |
| 23 | a timely appeal to the District Court. | | |
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| 1 | The information contained in the child protective services documents and the 302 that have | |
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| 2 | been ordered to be turned over to defense are of a sensitive and private nature, and the information | |
| 3 | contained in the DFS records is protected under NRS § 432.B.280, and other authority. Given the | |
| 4 | sensitive, protected, and private nature of the items that have now been ordered to be produced, the | |
| 5 | United States respectfully seeks an emergency stay the order so it can file a timely appeal. | |
| 6 | A proposed Order to stay production of the documents accompanies this filing. | |
| 7 | Dated this 24th day of March, 2016. | |
| 8 | Respectfully submitted, | |
| 9 | DANIEL G. BOGDEN United States Attorney | |
| 10 | /s/ Lisa C. Cartier Giroux | |
| 11 | LISA C. CARTIER GIROUX Assistant United States Attorney | |
| 12 | Assistant Officed States Attorney | |
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1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 4 UNITED STATES OF AMERICA, 2:14-cr-0033-KJD-CWH Plaintiff, ORDER STAYING MAGISTRATE JUDGE'S 5 MARCH 24, 2016 ORDER (DKT.#92) vs. 6 ALBERT BENJAMIN CHEE, 7 Defendant. 8 9 **ORDER** 10 The Court being fully advised and at the request of the United States for an Emergency Stay 11 of the Magistrate's March 24, 2016 Order (Doc. #92)that the Clark County Department of Family Services turn over the Family Services file of SB and MB, and that the United States provide 12 defense counsel with an unredacted copy of Dkt.#82-1. 13 14 IT IS HEREBY ORDERED that the United States' Motion for an Emergency Stay 15 is GRANTED for the United States to file an appeal of the Order to the District Court. 16 DATED this 25th day of March 17 , 2016. 18 19 UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24

1 **CERTIFICATE OF SERVICE** 2 I, Lisa C. Cartier Giroux, do hereby certify that on December 31, 2015, a copy of the attached EMERGENCY MOTION FOR REVIEW OF MAGISTRATE'S ORDER THAT THE CLARK COUNTY DEPARTMENT OF FAMILY SERVICES TURN OVER THE FAMILY SERVICES FILE OF 3 SB AND MB AND THE ORDER THAT THE GOVERNMENT PROVIDE DEFENSE COUNSEL WITH AN UNREDACTED COPY OF DKT#82-1 (Dkts.#92) was sent by electronic mail to the persons 4 hereinafter named, at place and address stated below, which is the last known address: 5 Brenda Weksler, AFPD 411 E. Bonneville Avenue, Suite 250 6 Las Vegas, Nevada 89101 702 388 6577 7 Counsel for defendant Chee 8 Dated this 24th day of March, 2016 9 //s// 10 Lisa C. Cartier Giroux **Assistant United States Attorney** 11 12 13 14 15 16 17 18 19 20 21 22 23

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